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DELPHON INDUSTRIES, LLC dba GEL-PAK, JEANNE BEACHAM,

DARBY DAVIS AND SANCHE ADAM

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DELPHON INDUSTRIES, LLC dba GEL-PAK, a  
Delaware limited liability company,

Plaintiff,

v.

INTERNATIONAL TEST SOLUTIONS, INC., a  
Nevada corporation; INTERNATIONAL TEST  
SOLUTIONS, INC., a California corporation;  
JOYCE FREEZE, an individual; and ALAN E.  
HUMPHREY, an individual,

Defendants.

Case No. CV-11-01338 PSG

**STIPULATION AND ORDER  
TO EXTEND TIME TO COMPLETE  
MEDIATION SESSION**

Judge: Hon. Paul S. Grewal,  
United States Magistrate Judge

AND RELATED CROSS-ACTION

WHEREAS, pursuant to this Court's order dated June 23, 2011, the parties to this action were ordered to complete a mediation session with mediator Kenneth Wilson no later than September 21, 2011;

WHEREAS, counsel for the parties have discussed the structure of the mediation session with Mr. Wilson and have agreed to participate in an "evaluative mediation" which will likely involve more extensive briefing and a greater commitment of time by the mediator than would generally be

1 required for a traditional mediation session;

2 WHEREAS, counsel are currently working with Mr. Wilson on the logistics of the evaluative  
3 mediation session, including a date for the mediation;

4 WHEREAS, Mr. Wilson has suggested and the parties agree that the current deadline to  
5 complete the mediation should be extended to allow the parties and the mediator sufficient time to  
6 prepare for, participate in and complete the evaluative mediation session;

7 THEREFORE, pursuant to ADR Local Rule 6-5(a) and Civil Local Rule 7-2 the parties  
8 stipulate and agree that, without prejudice to or waiver of any of their respective claims, defenses, or  
9 positions that:

10 1. The deadline to complete a mediation session in this matter be extended from  
11 September 21, 2011 to November 21, 2011.

12  
13 Dated: September 7, 2011

NIXON PEABODY LLP

14 By /s/ LISA A. COLE  
15 GREGORY P. O'HARA  
16 LISA A. COLE  
17 TALLEY M. HENRY  
18 Attorneys for Plaintiff and Counter-Defendants  
DELPHON INDUSTRIES, LLC dba GEL-PAK,  
JEANNE BEACHAM, DARBY DAVIS AND  
SANCHO ADAM

19 Dated: September 7, 2011

KERR IP GROUP, LLC

20  
21 By /s/ MARIE MARTIN KERR  
22 MARIE MARTIN KERR  
23 Attorneys for Defendant  
INTERNATIONAL TEST SOLUTIONS, INC.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED:

25  
26 DATE: September 14, 2011

27   
28 PAUL S. GREWAL,  
United States Magistrate Judge

GENERAL ORDER 45 CERTIFICATION

I, Lisa A. Cole, hereby attest pursuant to N.D. Cal. General Order No. 45 that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: September 7, 2011

NIXON PEABODY LLP

By /s/ LISA A. COLE  
GREGORY P. O'HARA  
LISA A. COLE  
TALLEY M. HENRY  
Attorneys for Plaintiff and Counter-Defendants  
DELPHON INDUSTRIES, LLC dba GEL-PAK,  
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